



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT WILD HORSE AND BURRO PROGRAM





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INSPECTOR GENERAL
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Memorandum

DEC 13 2010

To: Robert Abbey
Director, Bureau of Land Management

From: Mary L. Kendall *Mary L. Kendall*
Acting Inspector General

Subject: Bureau of Land Management Wild Horse and Burro Program
Report No. C-IS-BLM-0018-2010

This memorandum transmits the findings of our inspection of the Bureau of Land Management (BLM) Wild Horse and Burro Program. Our objective was to determine if wild horse and burro gathers are necessary and justified, and if wild horses and burros are being mistreated.

Our inspection confirmed that wild horse and burro gathers are necessary because BLM lands cannot sustain the growing population of wild horses and burros. The growing population of these animals must be addressed to achieve and maintain a thriving natural ecological balance of the authorized uses of the land, thus gathers are necessary and justified actions. Further, we did not observe any inhumane treatment of wild horses and burros.

Please provide us with your written response to this report, number C-IS-BLM-0018-2010, within 30 days. BLM's response should provide information on actions taken or planned to address the recommendations detailed in this report, target dates, and titles of the officials responsible for implementation. Please address your response to:

Ms. Kimberly Elmore
Assistant Inspector General for Audits, Inspections, and Evaluations
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The legislation creating the Office of Inspector General requires that we report to the Congress semiannually on all audit reports issued, actions taken to implement our recommendations, and recommendations that have not been implemented.

If you have any questions regarding this memorandum or the subject report, please do not hesitate to contact me at 202-208-5745.

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Results in Brief

Each year the number of wild horses and burros the Bureau of Land Management (BLM) manages increases as does the level of public interest and scrutiny. With this in mind, we conducted an inspection of the BLM program to determine if wild horse and burro gathers are necessary and justified, and if wild horses and burros are being mistreated.

We found that BLM lands cannot sustain the growing population of wild horses and burros and that the growing population of these animals must be addressed to achieve and maintain a thriving natural ecological balance of the authorized uses of the land. Gathers are an essential means to control the population and are, therefore, necessary and justified actions. Further, we noted several actions planned to help resolve the ongoing population control issues. Additionally, we found that BLM and its contractors did not treat any wild horses and burros inhumanely.

Introduction

Objective

In response to current allegations of mismanagement and abuse surrounding the Bureau of Land Management's (BLM) Wild Horse and Burro Program, we conducted the inspection to determine if wild horse and burro gathers are necessary and justified, and if wild horses and burros are being mistreated.

Background

BLM is responsible for the protection, management, and control of wild horses and burros. Free-roaming horses and burros are not native to North America, but are instead descended from domesticated animals that escaped or were turned loose by their owners. The historical number of horses and burros is not known, but by the early 1970s their population had declined significantly because of man's encroachment upon these animals and their environment. Wild horses and burros were subjected to ruthless and indiscriminate gathering by ranchers, hunters, and "mustangers" that harvested wild horses for commercial purposes. Existing legislation at that time established criminal penalties for using aircraft or motor vehicles to hunt wild horses and burros on public lands but did not serve to adequately protect, manage, and control wild horses and burros. In response to public outcry, members of both the Senate and the House introduced the Wild Free-Roaming Horses and Burros Act of 1971 (Act). Under the Act, these animals are considered an integral part of the national system of public lands in the areas where they were found in 1971.

Under the original Act, BLM was directed to protect and manage wild horses and burros as components of the public lands. To accomplish this objective, the Act authorized BLM to destroy old, sick, or lame animals and to capture and remove excess wild horses and burros to preserve and maintain the condition of public rangelands. The Act was amended by the Federal Land Policy and Management Act (FLPMA) of 1976 to authorize BLM to use or contract for the use of helicopters and motorized vehicles for the purpose of managing wild horses and burros on public lands. The Act was further amended in 1978 by the Public Rangelands Improvement Act, which established and reaffirmed the following:

- The need for inventory and identification of current public rangeland conditions through monitoring.
- The management, maintenance, and improvement of public rangeland conditions to support all rangeland values.
- The continuance of provisions protecting wild free-roaming horses and burros from capture, branding, harassment, or death while also facilitating the removal of excess wild horses and burros that pose a threat to their own habitat and other rangeland resources.

BLM's responsibility under the 1971 Act is to manage healthy wild horse and burro populations on healthy rangelands. To achieve this objective, BLM designates Herd Management Areas (HMAs) for the long-term maintenance of wild horses and burros and collects data about the animals and their habitat. BLM is obligated by law to manage the herds to assure that wild horse and burro populations are balanced with other authorized uses of the public lands and that a thriving natural ecological balance is achieved and maintained.



Figure 1. Wild horses grazing the Onaqui Mountains Herd Management Area in Utah.

The areas where wild horses and burros were found in 1971, largely on public lands managed by BLM and the U.S. Forest Service, are called herd areas. These areas comprise about 51.3 million acres of public and private land. Through its land management planning process, BLM designated HMAs within these herd areas. In making HMA designations, BLM determined whether or not the areas where wild horses and burros were found contained adequate forage and water to sustain the herds. BLM also designated some HMAs in such a way as to avoid conflicts with private landowners. As of February 2009, BLM was managing 180 HMAs covering 31.9 million acres in 10 western states. The image above shows wild horses grazing on one of BLM's HMAs. Figure 2 illustrates the BLM herd areas and HMAs in the Western United States.

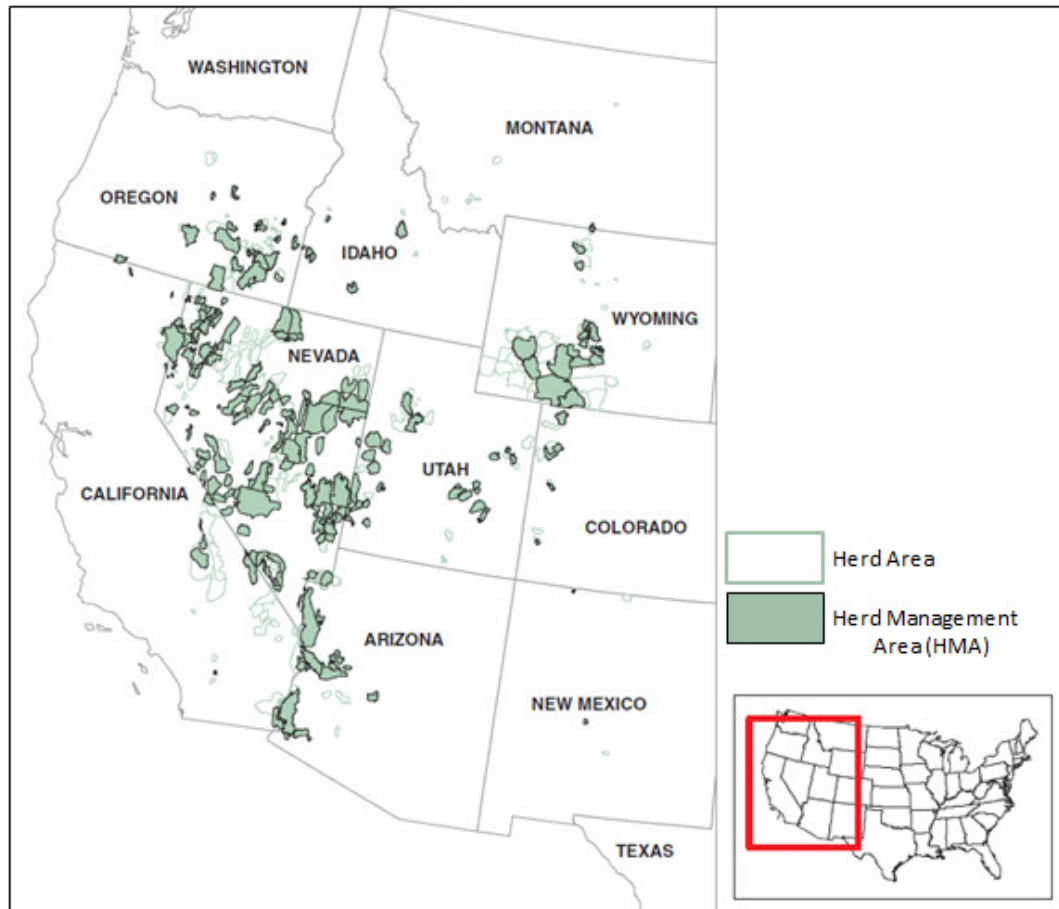


Figure 2. BLM Herd Areas and HMAs in the Western United States.

Wild horses and burros are to be managed as self-sustaining populations of healthy animals in balance with other multiple uses, such as livestock grazing and providing critical habitat for threatened and endangered species. Appropriate management levels (AML) are determined for each HMA and are defined as the optimum number of wild horses and burros that will result in a thriving natural ecological balance and avoid deterioration of the range. AML determinations can be made in a variety of land planning or decision documents, including, but not limited to, resource management plans, HMA Plans, and multiple use decision documents.

The actual number set through an AML determination is predicated, in part, on the acreage size of the HMA and the proportion of the available forage allotted for wild horse and burro consumption among other users, such as livestock and wildlife. The AML is generally expressed as a range. The high end of the AML is the maximum number of wild horses and burros the HMA can sustain. The low end of the range is the number BLM generally uses to identify how many wild horses and burros should be left on the HMA after a gather. BLM expects that the number of wild horses and burros on the HMA after a gather will grow to the high AML over 4 to 5 years, at which point another gather would be required. See

Figure 3 (below) for BLM-determined AML and Wild Horse and Burro population as of February 2009.

BLM-Determined AML and Wild Horse and Burro Population as of February 2009

	HMA	Populations				
	Acres	Horses	Burros	Total	AML	Excess
AZ	3,083,863	390	1,967	2,357	1,676	681
CA	2,418,445	4,057	895	4,952	2,201	2,751
CO	404,754	772	0	772	812	-40
ID	418,194	913	0	913	617	296
MT	37,147	195	0	195	105	90
NV	15,249,265	16,642	819	17,461	12,688	4,773
NM	28,612	114	0	114	83	31
OR	2,963,135	2,508	15	2,523	2,715	-192
UT	2,485,597	2,495	142	2,637	1,956	681
WY	4,775,451	5,016	0	5,016	3,725	1,291
Total	31,864,463	33,102	3,838	36,940	26,578	10,362

Figure 3. Herd Management Area acres and BLM-determined AML and wild horse and burro population as of February 2009.

BLM gathers horses and burros for removal from the range as a primary management tool for managing herd sizes. The majority of gathers are conducted by BLM contractors, although BLM does conduct a number of the gathers each year. Helicopters are generally used to herd the animals to locations where they are captured and placed in temporary on-site corrals. BLM's current policies state that helicopters must be used in a manner that minimizes the stress to the animals by limiting the speed and distance the animals are herded in accordance with the condition of the animals, the nature of the terrain, and the weather. In some cases, when gathering smaller numbers of wild horses and burros, BLM officials or contractors will use other techniques, such as bait trapping or roping, to capture the animals. The image below shows wild horses being gathered by helicopter.



Figure 4. Wild horses gathered by helicopter from the Twin Peaks Herd Management Area in California.

Regardless of which method of capture is used, the risk that horses or burros will be injured or killed is an unavoidable consequence of gathering. Injuries and broken bones can and do result from the effort to herd, capture, and transport the animals. In addition, gathered horses and burros that are affected by chronic or incurable disease, injury, lameness, or serious physical defect—including severe tooth loss or wear, club feet, and other severe, acquired or congenital abnormalities—are humanely euthanized. BLM reported the number of horses that died or were euthanized at its HMAs in FY 2010 was 95 of the 11,039 it gathered, or less than 1 percent.

Once collected into the temporary corrals, BLM officials use a selective removal process to determine which animals to remove from the HMA. Gathered animals may be returned to the wild after undergoing population control measures to slow future growth of the herd. Population control measures include fertility control treatments and adjusting the ratio of male and female horses returned to the HMA. When animals are removed from the range, they are taken to short-term holding facilities to receive vaccinations and other treatment prior to either being adopted, sold, or sent to long-term holding facilities. The image below shows wild horses in a short-term holding facility.



Figure 5. Wild horses at the Indian Lakes Wild Horse Facility in Fallon, Nevada.

Animals that are removed from the range and cannot be adopted or sold are placed in long-term holding facilities to live out the rest of their lives, which can exceed 30 years. Most of the facilities are located on Midwest grasslands in Kansas and Oklahoma. As of October 2010, BLM was holding approximately 11,400 horses and burros in short-term facilities and 26,400 horses in long-term holding facilities. Although the Act directs BLM to sell excess horses or burros without limitation, BLM has taken the stance to not sell or send horses or burros to slaughter.

Program costs have trended upward as the total horse population both on public lands and in holding facilities has continued to increase. Total program costs were \$36.7 million in 2004 and \$66.1 million in 2010. According to BLM, the population doubles every four years. Exacerbating the problem of horse population and costs are the declining adoption rates—from 2004 to 2010 adoptions decreased from an annual rate of 6,644 to 2,960. Holding facility population increased from approximately 22,000 in 2004 to 37,800 in 2010. According to BLM’s budget justification, “the current path is not sustainable for the animals, the environment, or the tax payer.”

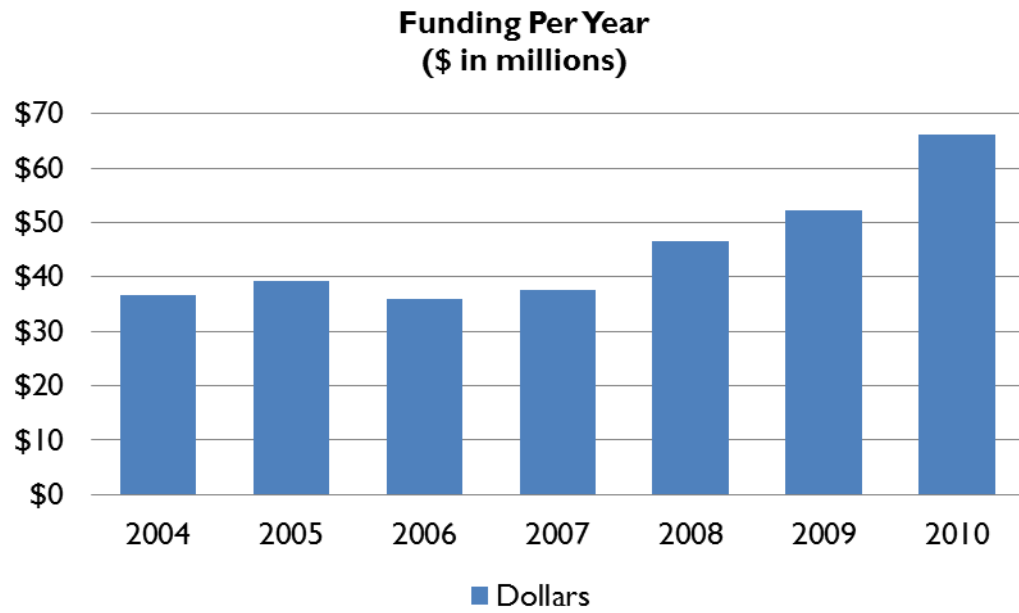


Figure 6. Comparison Cost Graph 2004 vs. 2010 from BLM's FY 2011 budget justification.

Findings

We found that fiercely competing interests and highly charged differences of opinion currently exist between BLM and private individuals and organizations concerning the need for wild horse gathers, the methods used to gather, and whether horses are treated humanely by BLM and its contractors during and after the gathers. In addition, public interest groups have claimed that the science behind program management is inaccurate. BLM has acknowledged that the science behind its program needs to be reviewed. The issue behind the science of the program has been referred to the National Academy of Sciences/National Research Council (NAS/NRC).

We determined that wild horse and burro gathers are necessary for population control, as the population cannot be sustained by the land. We also determined that BLM's gathers are justified and that BLM is doing its best to perform a very difficult job. We did not observe any instances where BLM or its contractors treated wild horses and burros inhumanely. Further, we noted several actions planned to help resolve the ongoing population control issues.

Need and Justification for Gathers

Gathers are Necessary for Population Control

BLM is required by law to manage the range for authorized multiple uses, including wild horses and burros, livestock grazing, wildlife (e.g., deer, elk, and antelope), and protection of habitat for threatened and endangered species. All of these authorized uses compete for the limited amount of forage and water available on the range. There are measures to control population for livestock and some excess wildlife. For example, livestock grazing is controlled through a permitting process that limits the number of cattle or sheep authorized to use the range, and excess wildlife is generally controlled by natural predators and by hunting. Wild horses and burros, however, cannot be hunted and are not effectively controlled by natural predators.

According to a 1982 report by the National Research Council¹, without external intervention wild horse and burro populations will grow beyond the point at which environmental damage occurs, to the detriment of other authorized uses. Range resources will be exhausted and/or damaged as the wild horse and burro herds increase in size. BLM's present day wild horse population models estimate that herds will increase by approximately 20 percent annually under normal conditions, and at this rate, herd sizes double every 4 years. The graph below estimates population growth from 38,365 in 2010 to 238,000 by 2020 on public land if there were no efforts toward population control.

¹ "Wild and Free-Roaming Horses and Burros – Final Report," National Academy Press, Washington D.C. 1982

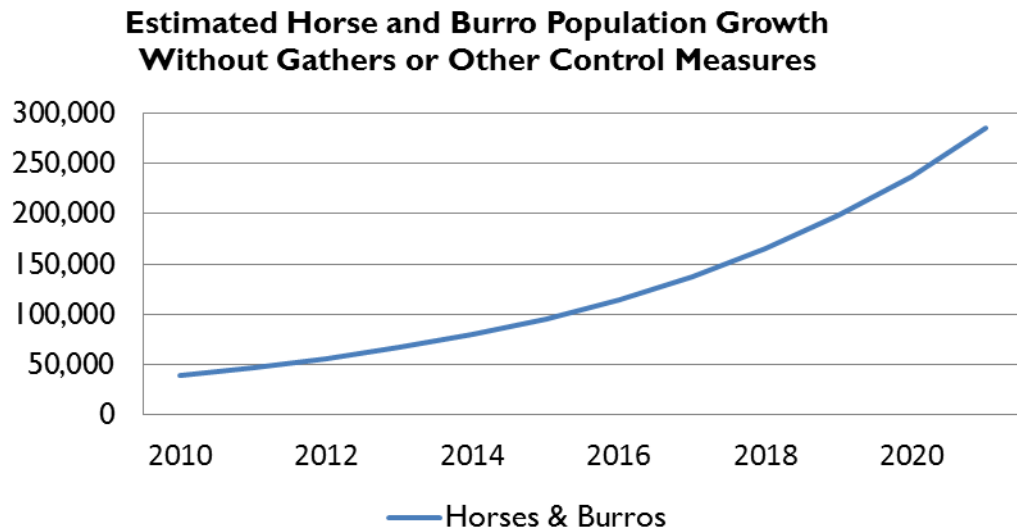


Figure 7. Estimated population on public land without gathers.

BLM currently uses two population control measures during gathers: Porcine Zona Pellucida (PZP), a non-hormonal contraceptive, and gender ratio adjustment. Neither of these measures currently provides an effective means to limiting the population of wild horses and burros at a level that can be sustained on public lands. Both PZP and gender ratio adjustment are administered during the gathering process for horses that are planned to be returned to the HMA.

Beginning in 2004, BLM began limited testing of PZP and has administered it to only 2,825 mares in its first 7 years of use. BLM is currently using a formulation of PZP that should be administered to 70 to 90 percent of breeding mares to effectively reduce population growth. In addition, the vaccine becomes progressively less effective after the first year it is administered. Due to the large size of herds and vastness of the HMAs, the effectiveness of fertility control using PZP is currently limited.

Gender ratio adjustment requires that nearly all the wild horses and burros be gathered, segregated by gender, and released at appropriate gender ratio levels. Although horse populations might be controlled effectively in smaller HMAs, the sheer number of horses in the larger HMAs precludes this as an effective overall population control technique.

Gathers are Justified

BLM's recently issued "Wild Horse and Burro Management Handbook" and manual section 4720 require that an environmental assessment (EA) will be performed for each proposed gather. The EA is a site-specific analysis of the potential impacts that could result with the implementation of the Proposed Action or alternatives to the Proposed Action. Preparation of an EA assists the BLM authorized officer to determine whether to prepare an Environmental Impact

Statement if significant impacts could result, or a Finding of No Significant Impact if no significant impacts are expected. We reviewed the EAs associated with gathers that we observed and found that they complied with the Handbook. We did note that BLM has relied upon census techniques known to undercount the population of horses, but BLM is addressing the issue in coordination with U.S. Geological Survey (USGS). Further, BLM has asked NAS/NRC to review the science supporting its gathers. Accordingly, we did not review the science supporting the EAs.

Population Control Methods other Bureaus use that are not Workable for BLM

In addition to BLM, both the U.S. National Park Service (NPS) and the U.S. Fish and Wildlife Service (FWS) manage small herds of horses on Federal land. These are not, however, wild and free-roaming horses as defined by the Act. Just as importantly, they are generally located on smaller areas that are contained by physical barriers, and therefore, are more easily managed such as NPS's Assateague Island National Seashore and FWS's Chincoteague National Wildlife Refuge.

Treatment of Wild Horses and Burros

Part of the current controversy surrounding the Wild Horse and Burro Program involves complaints that BLM has mistreated the animals. We found no evidence of BLM or its contractors mistreating the animals. BLM is operating within the confines of its Handbook with regard to carrying out the gathers. For the purposes of our review, we observed and interviewed officials at four gathers and visited eight short-term holding facilities and six long-term facilities. (See Appendix 3) In addition we interviewed interested third-parties and animal advocates to gain a perspective of their concerns regarding gathers and overall wild horse and burro management. During these site visits we observed the following:

- The use of helicopters during the gather,
- The movement and capture of wild horses,
- Transportation of wild horses from the capture sites to the holding facilities,
- Veterinarian services provided on-site,
- The conditions of the short- and long-term holding facilities, and
- The condition of wild horses and burros housed at holding facilities.

Actions Planned to Resolve the Ongoing Wild Horse and Burro Population Control Issues

In October 2009, recognizing that BLM's Wild Horse and Burro Program was not sustainable in its current form, the Secretary of the Interior proposed "a national solution to restore the health of America's wild horse herds and the rangelands that support them." The Secretary's initiative relies on three strategies to improve the protection and management of wild horses. These include balancing annual

herd growth rates with adoption demand, establishing preserves in the grasslands of the Midwest and East, and showcasing treasured herds in the West with special designations.

Prior Office of Inspector General and the Government Accountability Office (GAO) reports have identified the dangers of unchecked wild horse and burro herd growth and acknowledged the need to gather excess animals. At the same time, these reports have identified the need for program improvements. (See Appendix 2) BLM has worked on additional program improvements, which include a wild horse and burro strategy development document, issuance of the Wild Horse and Burro Management Handbook in June 2010, involvement of the NAS/NRC to review the science behind wild horse and burro management and gather decisions, and working with USGS to improve the accuracy of population counts.

In June 2010, BLM invited interested stakeholders to offer their opinions and suggestions about its “Working Toward Sustainable Management of America’s Wild Horses and Burros – Draft Goals, Objectives and Possible Management Actions – June 2010” document. BLM planned to develop its strategy to find solutions that are best for wild horses and burros, wildlife, and the many other uses of the public lands by working closely with partners, stakeholders, the public, and employees to develop a strategy.

In October 2010, BLM announced key findings based on the public response to the strategy development document, which included the following:

1. Many Americans continue to be passionate about wild horses and burros and their management.
2. There continue to be very different views about how America’s wild horses and burros should be managed. These include:
 - Focusing management on a smaller number of “Treasured Herds” on “preserves” or sanctuaries in the West.
 - Reducing the AML of wild horses and burros or implementing aggressive population suppression.
 - Returning wild horses and burros to their original 1971 Herd Areas or expanding the use areas to other places on public lands, while allowing natural processes to adjust population size.

When BLM completes its analysis of all the comments received it will provide a draft management strategy available for a 30-day public comment and review period around mid-December.

Another program improvement is BLM’s recent issuance of the Wild Horse and Burro Management Handbook. The Handbook would ensure that the factors considered in determining appropriate herd population levels are consistent across all of the Bureau’s 180 herd management areas in 10 Western states. The new Handbook was issued in response to a 2008 GAO report recommendation.

In addition, BLM is currently in discussion with NAS/NRC to make an independent technical review of the Wild Horse and Burro Program to ensure that BLM is using the best science available in managing wild horses and burros on Western rangelands. Topics to be discussed in the proposed effort include population estimation methods, annual herd growth rates, population control measures, and whether populations will self-limit, as well as other subjects needing new research.

Finally, in its “Working Toward Sustainable Management of America’s Wild Horses and Burros – Draft Goals, Objectives and Possible Management Actions – June 2010” document, BLM indicates it is cooperatively working with USGS to research and implement population estimation techniques based on the best available science.

Conclusion and Recommendations

Conclusion

With growing populations and waning public interest in horse adoptions, mounting costs are straining BLM's ability to sustain the Wild Horse and Burro Program. Continued unchecked horse population increases will result in a growing need for holding horses with a commensurate increase in program funding.

	FY 2004	FY 2010
Adoption Decreases	6,644	2,960
	FY 2010	FY 2020
Projected Population Increases	38,365	238,000
	FY 2004	FY 2010
Horses and Burros in Holding Facilities Increases	22,000	37,800
	FY 2004	FY 2010
Program Funding Increases	\$36.7 Million	\$66.1 Million

As a result, the animals and the environment suffer. External intervention is necessary for achieving and maintaining a thriving natural ecological balance of authorized uses of the land

Recommendations

To address the issues outlined in this inspection, we recommend that BLM:

Continue moving forward with the Secretary's initiative and BLM's program improvements to the extent that:

1. There is urgent and aggressive focus on research and testing of improved population control methods to balance wild horse and burro population growth with adoption demand, thereby minimizing the need for additional long-term holding facilities and preserves.
2. There is an ambitious effort to minimize and reduce over the long term the need for short- and long-term storage facilities.
3. The best science for wild horse and burro management and needed new research is coordinated with and confirmed by the National Academy of Sciences and the results put into practice.

Appendix I: Scope and Methodology

Scope

We performed our inspection in accordance with the Council of the Inspectors General on Integrity and Efficiency “Quality Standards for Inspections.” The inspection focused on the Bureau of Land Management’s (BLM) current management of the Wild Horse and Burro Program. We conducted our inspection work during the Summer of 2010. We believe that the work performed provides a reasonable basis for our conclusions and recommendations.

As part of our inspection, we completed the following:

- Reviewed BLM’s Wild Horses and Burros Management Handbook and sections of BLM’s manual related to the management of wild horses and burros.
- Reviewed prior reports issued by our Office and the U.S. Government Accountability Office (GAO).
- Reviewed wild horse and burro data and environmental assessments provided by BLM.
- Interviewed BLM officials and interested third-parties and animal advocates.
- Visited wild horse and burro management areas and observed gather operations.
- Visited short- and long-term holding areas for wild horses and burros.

Methodology

For the purposes of conducting our inspection, we observed wild horse gathers conducted by BLM and its contractors in California, Oregon, and Nevada. In addition, we visited eight of BLM’s short-term holding facilities in California, Colorado, Nevada, Oregon, Utah and Wyoming, and six long-term facilities operated by contractors in Kansas, Oklahoma, and South Dakota. During these site visits we observed the following:

- The use of helicopters during gathers,
- The movement and capture of wild horses,
- The transportation of wild horses from capture sites to holding facilities,
- Veterinarian services provided on-site,
- The conditions of the short- and long-term holding facilities, and
- The condition of wild horses and burros housed at holding facilities.

Appendix 2: Prior Audit Coverage

GAO Audit Report No. GAO-09-77

“Bureau of Land Management: Effective Long-Term Options Needed to Manage Unadoptable Wild Horses,” October 9, 2008.

GAO found that many BLM field offices are likely undercounting its animals, fewer animals are being adopted, animals in short- and long-term facilities have more than tripled in population and costs in 7 years, and BLM’s centralized database lacks complete information. GAO also noted that BLM was not complying with the Act’s requirements for the humane destruction and/or direct sale without limitation of excess animals.

GAO’s review identified a number of improvements to the program made by BLM in response to previous reviews, including:

- Significant progress made toward setting and meeting AMLs (AML set for 197 out of 199 HMAs).
- Most BLM field offices are considering similar factors (such as rangeland condition) in determining AML.

OIG Audit Report No. 97-I-1104

“Management of Herd Levels, Wild Horse and Burro Program, Bureau of Land Management,” August 1997.

OIG found that the number of wild horses exceeded AMLs, BLM had not aggressively pursued other alternatives to removing and/or destroying animals and was not monitoring and/or evaluating the health of the herds.

GAO Audit Report No. RCED-90-110

“Range Management, Improvements Needed in Federal Wild Horse Program,” August 1990.

GAO found that improvements were needed in program management as BLM could not determine how many horses Federal rangelands could support, the extent of degradation they caused, and the number of horses that should be removed from herd areas; and that despite congressional direction, BLM did not base its removal of wild horses on how many horses the Federal rangeland could support.

Appendix 3: Sites Visited

Gathers

- Cold Springs Gather, Burns, Oregon
- Moriah Mountain Gather, Baker, Nevada
- Tuscarora Gather, Battle Mountain, Nevada
- Twin Peaks Gather, Litchfield, California

Short-term Holding Facilities

- Canon City Facility, Colorado Department of Corrections, Canon City, Colorado
- Chugwater/Mantle Ranch, Chugwater, Wyoming
- Indian Lakes Wild Horse Facility, Fallon, Nevada
- Litchfield Corral, Litchfield, California
- Northern Nevada Correction Center, Carson City, Nevada
- Oregon Wild Horse Corral, Hines, Oregon
- Ridgecrest Corrals, Ridgecrest, California
- Salt Lake Wild Horse and Burro Center, Herriman, Utah

Long-term Holding Facilities

- Grenola, Kansas
- Bartlesville, Oklahoma
- Foraker, Oklahoma
- Hominy, Oklahoma
- Pawhuska, Oklahoma
- Fort Pierre, South Dakota

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